

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 2, 15, 16, 30, 33, 34, 38 and 40 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the amendments may be found in the specification at least at page 16, lines 3-11. No new matter has been added. Claims 5, 10, 12-13, 19, 21 and 23-29 have been canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 1-4, 6-9, 11, 14-18, 20, 22 and 30-44 will be pending in the present application, with claims 1, 15, 16, 30 and 40 being independent.

1. Claim Objections

Claim 33 is objected to because the phrase “firs” appear to contain a typographical error and should read “first”. Applicant has amended claim 33 to correct this typographical error and to overcome this objection.

Claim 38 is objected to because the phrase “from and Internet” appears to contain a typographical error and should read “from an Internet”. Applicant has amended claim 38 to correct this typographical error and to overcome this objection.

For at least the reasons above, reconsideration and withdrawal of the objections to claims 33 and 38 are respectfully requested.

2. Claim Rejections under 35 U.S.C. 112

Claims 1-4, 6-9, 11, 14, and 33-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action on page 5 asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Furthermore, the Office Action asserts that the claims fails to comply with the enablement requirement because the claims contain subject

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matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 6 asserts that it is unclear as to how enabling support is found for the step of claim 1 of “receiving a plurality of data feeds over a first broadcast channel, the data feeds including a plurality of television programs, television program data, and Internet Protocol data” in light of the claim taken as a whole. Specifically, the Office Action states that the specification is silent regarding any reception of “television programs” by the content aggregator through a “first broadcast channel” interconnecting the data provider with the content aggregator (referring to Figure 4).

Applicants have amended claim 1 for further clarity to recite:

receiving a plurality of data feeds over a first broadcast channel, the data feeds including television program data and Internet Protocol data;

creating a first indicator associated with an event that occurs in at least one of a plurality of television programs;
(emphasis added).

Claim 1, as amended, indicates that the data feeds received over the first broadcast channel include television program data and Internet Protocol data (i.e., not television programs), which finds enabling support in the specification at least at page 15, line 5 – page 17, line 10. Therefore, since the amendments to claim 1 overcome the rejections based on 35 U.S.C. 112, first paragraph, claim 1 is allowable. Since claims 2-4, 6-9, 11, 14, and 33-36 are rejected under 35 U.S.C. 112, first paragraph, because they depend on claim 1, these dependent claims are also allowable.

Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 34 has been amended to depend upon claim 1. Therefore, claim 34 no longer

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depends upon a canceled claim.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-4, 6-9, 11, 14, and 33-36 under 35 U.S.C. 112 are respectfully requested.

3. Claim Rejections under 35 U.S.C. 103

Claims 15-18, 20, 22, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (U.S. Patent No. 6,536,041) in view of Rasson et al. (U.S. Patent No. 6,137,549). Applicants respectfully traverse this rejection for at least the following reasons.

In regards to independent claim 15, the Office Action on page 8 concedes that Knudson et al. is silent with respect to teaching the particular packetization and assignment of prioritization information in association with the distribution of the associated content. In regards to independent claim 16, the Office Action on page 9 concedes that Knudson et al. is silent with respect to the prioritization, sorting, and subsequently outputting the sorted feeds. In regards to independent claim 40, the Office Action on page 11 concedes that Knudson et al. is silent with respect to the prioritization of the received feeds. Rasson et al. fails to cure these defects in Knudson et al.

Rasson et al. discloses active lists 74 that are prioritized by factors such as expiration time, the number of messages remaining to be transmitted, the next scheduled message transmission time, the state of the list (e.g., whether all of the data for the list has expired), and an arbitrary priority assigned to each feed generator queue 76 (see col. 8, lines 10-16). Additionally, the Office Action on pages 3 asserts that Rasson et al. teaches prioritization of television program data based on its “type”, namely whether or not it is the “type” of data that is needed sooner or later based upon its “expiration” (citing col. 8, lines 8-18). However, Rasson et al. fails to teach or suggest assigning priority levels to different types of data feeds (e.g., television programs, television program data, and Internet Protocol data) based on the actual content of the data feeds. As discussed above, Rasson et al. merely teaches prioritizing data based on expiration time, not the actual content of the data feeds.

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Therefore, Rasson et al. fails to disclose or suggest the elements of wherein the first and second priority are assigned based on the content of the first and second event-based content, as included in claim 15. Additionally, Rasson et al. fails to disclose or suggest the elements of wherein the priority levels of the first, second, third and fourth data feeds are based on the content of the respective data feeds, as included in claim 16. Furthermore, Rasson et al. fails to disclose or suggest the elements of wherein a first event identifier of a first data feed is assigned a real-time priority level based on a first content of the first data feed to enable the associated portion of the data feed to be received at a highest priority, and a second event identifier of a second data feed is assigned a priority level based on a second content of a second data feed, as included in claim 40.

Therefore, since Knudson et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claims 15, 16 and 40, these claims are allowable.

Claims 17-18, 20 and 22 depend on claim 16. Claims 41-44 depend on claim 40. As discussed above, claims 16 and 40 are allowable. For at least this reason, and the additional features recited therein, claims 17-18, 20, 22 and 41-44 are also allowable.

Claims 30-32 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Marshall et al. (U.S. Pub. No. 2002/0010697), and further in view of Rasson et al. Applicants respectfully traverse this rejection for at least the following reasons.

In regards to independent claim 30, the Office Action on page 15 concedes that Knudson et al. is silent with respect to the prioritization and subsequent distribution of content based on priorities. Marshall et al. and Rasson et al. fail to cure this defect in Knudson et al.

Marshall et al. is only cited by the Office Action as teaching box scores of a sports game. However, Marshall et al. fails to disclose or suggest at least the elements of wherein the real-time priority and the fast priority are assigned based on the content of the first and second dynamic content, as included in claim 30, or similar elements included in claim 16. Additionally, as discussed above, Rasson et al. fails to disclose or suggest these same elements in claim 30, or similar elements included in claim 16.

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Therefore, since Knudson et al., Marshall et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claims 16 and 30, these claims are allowable.

Claims 31-32 depend on claim 30. Claims 37-39 depend on claim 16. As discussed above, claims 16 and 30 are allowable. For at least this reason, and the additional features recited therein, claims 31-32 and 37-39 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 15-18, 20, 22, 30-32, 37-39 and 40-44 under 35 U.S.C. 103 are respectfully requested.

4. Conclusion

Accordingly, in view of the above amendments and remarks, it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this response to the Notice of Non-responsive Amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: April 23, 2007

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